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To: anderson.jim@deq.state.or.us
Cc: [Eric Blischke](#); [Chip Humphrey](#); [Kristine Koch](#)
Subject: ARAR comments -- Table 1
Date: 01/04/2010 01:52 PM

Hi, Jim. Eric and Chip sent me the state's comments. Please note that ARARs as defined in the statute and NCP are generally the specific standard or criteria that will be applied to how the cleanup is implemented on-site. Thus, rarely will an entire statute or set of regulations be ARARs due to the fact that there are generally many procedural and general requirements or rules promulgated. Thus, when identifying ARARs at the FS stage, we are not inclined to cite to an entire statute. With this background, please see my information request on your specific comments listed below:

5) Hazardous Waste Management Rules- The “Hazardous Waste Management Rules” text should be moved to the 1st column & the Citation should be ORS 466.055 et. seq. **I note that Oregon's law is called "Hazardous Waste and Hazardous Materials II." That is what we will put in the Regulation column. However, other than the definition of "Hazardous Waste" at 466.005(7), what else in the statute speaks specifically to identification of hazardous waste? We need more specific citations.**

6) Hazardous Waste Management Rules- The HW Mgmt Rules include more than the text currently included in the “Criterion/Standard” column. See DEQ’s 6/2/09 e-mail transmitting State ARARs we identified. **Jim: The language the state suggested was too broad and described generally the statutory framework of hazardous waste management. The language we have references identifying haz. waste and appropriately handling and disposing of it. If there are more specific regulations regarding identifying, handling, disposing of haz. waste that would be applicable to cleaning up on-site (versus off-site) at Portland Harbor, please provide them.**

7) Solid Waste Rules- The “Solid Waste Rules” text should be moved to the 1st column & the Citation should be ORS 459.005 et. seq...., OAR 340-093 et. seq...., & OAR 340-095 et. seq. Furthermore, the Solid Waste Mgmt Rules include more than the text currently included in the “Criterion/Standard” column. See DEQ’s 6/2/09 e-mail transmitting State ARARs we identified.

Contaminated media is not automatically solid waste under federal law. If the state has specifically adopted regulations with substantive requirements for the management and disposal of contaminated sediment, soil, or groundwater as solid waste, it needs to identify the specific regulation.

8) Rules Governing the Issuance and Enforcement of Removal-Fill Authorizations within

the Waters of Oregon Including Wetlands- The “Rules Governing the Issuance....” text should be moved to the 1st column & the Citation should be ORS 196.795 & .800 et. seq. & OAR 141-085 et. seq.

The following regs. are what appeared to us to have substantive standards under this removal/fill regs. Nothing in the statute added anything of substance: OAR 141-085 0680, 141-085-0695, 141-085-0710, 141-085-0765. Are there other regs. with substantive standards or criteria? Please forward.

Thanks.

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